



OFFICIAL GAZETTE

GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly

The Goa Appropriation Bill, 2001

(Bill No. 1 of 2001)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2000-2001.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation Act, 2001.

2. *Issue of Rs. 3,28,84,69,000 out of the Consolidated Fund of the State of Goa for the financial year 2000 - 2001.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule amounting in the aggregate to the sums of three hundred twenty eight crores, eighty four lakhs and sixty nine thousand rupees towards defraying the several charges which will come in the course for payment during the financial year 2000-2001 in respect of the services and purposes specified in column (2) of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE
(See sections 2 and 3) (Rs. in lakhs)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1	Legislature Secretariat	153.89	11.15	165.04
	— <i>Raj Bhavan</i>	—	11.13	11.13
2	General Administration and Coordination	121.96	—	121.96
3	District & Session Court (North Goa)	24.27	—	24.27
4	District & Session Court (South Goa)	2.36	—	2.36
5	Public Prosecution	26.33	—	26.33
6	Election Office	47.97	—	47.97
7	Settlement and Land Records	58.06	—	58.06
8	Treasury & Accounts Administration (North Goa)	1873.00	—	1873.00
	— <i>Debt Services</i>	—	15258.82	15258.82
10	Notary Services	20.08	—	20.08
11	Excise	13.42	—	13.42
12	Sales and Entertainment Tax	12.08	—	12.08
13	Transport	74.50	—	74.50
	— <i>Goa Public Service Commission</i>	—	2.00	2.00
14	Goa Sadan	4.20	—	4.20
15	Collectorate (North Goa)	58.00	—	58.00
16	Collectorate (South Goa)	26.95	—	26.95
17	Police	480.93	—	480.93
18	Jails	32.96	—	32.96
19	Industries and Mines	301.85	—	301.85
20	Printing and Stationery	41.71	—	41.71
21	Public Works	8479.94	21.53	8501.47
22	Vigilance	0.50	—	0.50
23	Home	6.38	—	6.38
25	Home Guards and Civil Defence	47.00	—	47.00
26	Fire and Emergency Services	12.11	—	12.11
27	Evacuee Property	1.40	—	1.40
30	Lotteries	12.00	—	12.00
31	Panchayats	189.60	—	189.60
33	Revenue	7.33	—	7.33
34	School Education	154.48	1.00	155.48
35	Higher Education	237.63	—	237.63
36	Technical Education	0.00	117.26	117.26
37	Government Polytechnic (Panaji)	70.50	5.57	76.07
38	Government Polytechnic (Bicholim)	1.45	—	1.45

(1)	(2)	(3)	(4)	(5)
40	Goa College of Engineering	139.62	—	139.62
42	Sports and Youth Services	435.63	9.96	445.59
43	Art and Culture	65.00	—	65.00
45	Archives and Archaeology	20.00	—	20.00
47	Goa Medical College and Hospital	121.10	—	121.10
48	Health Services	525.52	0.69	526.21
49	Institute of Psychiatry and Human Behaviour	43.17	—	43.17
50	Goa College of Pharmacy	4.00	—	4.00
52	Labour	90.38	—	90.38
53	Food and Drugs Administration	21.59	—	21.59
54	Town and Country Planning	2.32	—	2.32
55	Municipal Administration	112.00	—	112.00
56	Information and Publicity	18.00	—	18.00
57	Social Welfare	62.75	—	62.75
58	Women and Child Development	21.00	—	21.00
59	Factories and Boilers	0.10	—	0.10
61	Craftsman and Training	5.00	—	5.00
62	Law	40.00	—	40.00
64	Agriculture	35.62	—	35.62
65	Animal Husbandry	31.52	—	31.52
66	Fisheries	46.65	—	46.65
68	Forests	109.94	—	109.94
70	Civil Supplies and Price Control	12.21	—	12.21
71	Cooperation	21.30	—	21.30
73	State Election Commission	30.00	—	30.00
74	Irrigation	2077.16	99.45	2176.61
75	Planning, Statistics and Evaluation	25.30	—	25.30
76	Electricity	151.00	—	151.00
77	River Navigation Department	142.79	—	142.79
78	Tourism	322.84	3.08	325.92
80	Legal Metrology	14.70	—	14.70
Grand Total		17343.05	15541.64	32884.69

Statement of Objects and Reasons

The Supplementary Demands for Grants for the Year 2000-2001 (Second Batch) was presented to the Legislative Assembly on 17th January, 2001. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for the appropriation of certain further sums out of the Consolidated Fund of the State of Goa to meet the expenditure on certain services granted by the Legislative Assembly for those services.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 2) Bill, 2001

(Bill No. 2 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1987-88 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the Goa Appropriation (No. 2) Act, 2001.

2. *Issue of Rs. 7,830 out of the Consolidated Fund of the State of Goa for the financial year 1987-88.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of seven thousand eight hundred and thirty rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1987-88 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1987-88.

THE SCHEDULE
(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
19	Co-operation and Community Development	7,030	—	7,030
25	Loans and Advances by State Government	800	—	800
	TOTAL	7,830	—	7,830

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1987-88 (Second Batch) were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1987-88 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 3) Bill, 2001

(Bill No. 3 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1988-89 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2001.

2. *Issue of Rs. 11,766 out of the Consolidated Fund of the State of Goa for the financial year 1988-89.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of eleven thousand

seven hundred and sixty six rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1988-89 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1988-89.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
22	Industries	11,766	—	11,766
	TOTAL	11,766	—	11,766

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1988-89 were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1988-89 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 4) Bill, 2001

(Bill No. 4 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1989-90 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 4) Act, 2001.

2. *Issue of Rs. 253 out of the Consolidated Fund of the State of Goa for the financial year 1989-90.* — From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of two hundred and fifty three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1989-90 in excess of the amounts granted for those services and for that period.

3. *Appropriation.* — The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1989-90.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
34	Tourism	253	—	253
	TOTAL	253	—	253

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1989-90 (Second Batch) were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation

of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1989-90 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for General information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 5) Bill, 2001

(Bill No. 5 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1990-91 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-First Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Goa Appropriation (No. 5) Act, 2001.

2. *Issue of Rs. 1,863 out of the Consolidated Fund of the State of Goa for the financial year 1990-91.* — From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of one thousand, eight hundred and sixty three rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1990-91 in excess of the amounts granted for those services and for that period.

3. *Appropriation.* — The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa

under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1990-91.

THE SCHEDULE
(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1	State Legislature	1,563	—	1,563
30	Energy	—	300	300
	TOTAL	1,563	300	1,863

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1990-91 (Second Batch) were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1990-91 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 6) Bill, 2001
(Bill No. 6 of 2001)

A
BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet

the amounts spent on certain services during the year 1991-92 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 6) Act, 2001.

2. *Issue of Rs. 1,80,83,317 out of the Consolidated Fund of the State of Goa for the financial year 1991-92.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in Column (5) of the Schedule hereto amounting in the aggregate to the sums of one crore, eighty lakhs, eighty-three thousand three hundred and seventeen rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in Column (2) of the said Schedule for the year 1991-92 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1991-92.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
7	Treasury and Accounts Administration	69,15,365	—	69,15,365
22	Animal Husbandry	1,74,485	—	1,74,485
25	Food and Supplies	1,09,92,736	—	1,09,92,736
28	Special Area Programme	731	—	731
	TOTAL	1,80,83,317	—	1,80,83,317

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1991-92 were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1991-92 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 7) Bill, 2001
(Bill No. 7 of 2001)

A
BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1992-93 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 7) Act, 2001.

2. *Issue of Rs. 20,41,45,982 out of the Consolidated Fund of the State of Goa for the financial year 1992-93.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of twenty crores, forty one lakhs, forty five thousand, nine hundred and eighty two rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1992-93 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1992-93.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
21	Technical Education	1,56,636	—	1,56,636
31	Labour and Employment	2,02,722	—	2,02,722
34	Agriculture	2,28,496	—	2,28,496
41	Special Area Programme	37	—	37
	-- Public Debt	—	20,35,58,091	20,35,58,091
	TOTAL	5,87,891	20,35,58,091	20,41,45,982

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1992-93 (Second Batch) were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1992-93 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 8) Bill, 2001
(Bill No. 8 of 2001)

A

BILL

*to provide for the authorisation of appropriation of moneys from
and out of the Consolidated Fund of the State of Goa to meet the*

amounts spent on certain services during the year 1993-94 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 8) Act, 2001.

2. *Issue of Rs. 19,65,12,574 out of the Consolidated Fund of the State of Goa for the financial year 1993-94.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of nineteen crores, sixty five lakhs, twelve thousand, five hundred and seventy four rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column (2) of the said Schedule for the year 1993-94 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1993-94.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
18	Pension	33,35,201	—	33,35,201
27	Housing	25,016	—	25,016
34	Agriculture	23,36,588	—	23,36,588
41	Special Area Programme	28,21,218	—	28,21,218
46	Roads and Bridges	459	—	459
	— Public Debt	—	18,79,94,092	18,79,94,092
	TOTAL	85,18,482	18,79,94,092	19,65,12,574

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1993-94 were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the

year 1993-94 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 9) Bill, 2001

(Bill No. 9 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1994-95 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 9) Act, 2001.

2. *Issue of Rs. 90,08,454 out of the Consolidated Fund of the State of Goa for the financial year 1994-95.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in Column (5) of the Schedule hereto amounting in the aggregate to the sums of ninety lakhs, eight thousand four hundred and fifty-four rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in Column (2) of the said Schedule for the year 1994-95 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated

for the services and purposes expressed in the said Schedule for the year 1994-95.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
20	Pension	68,22,151	—	68,22,151
24	Sports and Youth Services	3,641	—	3,641
27	Family Welfare	9,40,987	—	9,40,987
29	Housing	11,418	—	11,418
37	Agriculture	7,47,552	—	7,47,552
60	Roads and Bridges	4,49,889	—	4,49,889
62	Inland Water Transport	32,816	—	32,816
	TOTAL	90,08,454	—	90,08,454

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1994-95 were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1994-95 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Appropriation (No. 10) Bill, 2001
(Bill No. 10 of 2001)

A

BILL

to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the State of Goa to meet the amounts spent on certain services during the year 1995-96 in excess of the amounts granted for those services and for that period.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 10) Act, 2001.

2. *Issue of Rs. 9,01,905 out of the Consolidated Fund of the State of Goa for the financial year 1995-96.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in Column (5) of the Schedule hereto amounting in the aggregate to the sums of nine lakhs, one thousand, nine hundred and five rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in Column (2) of the said Schedule for the year 1995-96 in excess of the amounts granted for those services and for that period.

3. *Appropriation.*— The sums deemed to have been authorised to be paid from and out of the Consolidated Fund of the State of Goa under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the said Schedule for the year 1995-96.

THE SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1	State legislature	1,27,677	32,815	1,60,492
8	Sales Tax	38,838	—	38,838
18	Public Works	4,00,342	—	4,00,342
23	Technical Education	—	9,249	9,249
28	Water Supply and Sanitation	1,913	—	1,913
36	Relief on Account of Natural Calamities	1,30,110	—	1,30,110
49	Special Area Programme	1,29,553	—	1,29,553
60	Roads and Bridges	5,025	185	5,210
62	Inland Water Transport	26,198	—	26,198
TOTAL		8,59,656	42,249	9,01,905

Statement of Objects and Reasons

The Demand for Excess Grants for the expenditure of this State for the year 1995-96 were presented to the Legislative Assembly on 17th January, 2001. This Appropriation Bill is, therefore, introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for authorisation of appropriation of moneys out of the Consolidated Fund of the State of Goa to meet the amount spent on certain services during the year 1995-96 in excess of the amount granted for those services and for that period.

Panaji
January, 2001.

MANOHAR PARRIKAR
Chief Minister

Governor's Recommendation

The Governor has, in pursuance of Article 207 of the Constitution of India, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2001

(Bill No. 11 of 2001)

A

BILL

further to amend the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act No. 2 of 1965).

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2001.

(2) It shall be deemed to have come into force on the 1st day of July, 2000.

2. *Amendment of section 3B.*— In sub-section (1) of section 3B of the Goa Salary, Allowances

and Pension of Members of the Legislative Assembly Act, 1964 (Act No. 2 of 1965), the expression "on or after the first day of September, 1988" shall be omitted.

Statement of Objects and Reasons

In terms of sub-section (1) of section 3B of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly Act, 1964 (Act No. 2 of 1965), as inserted vide the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Act, 2000 (Act No. 20 of 2000), with effect from the 1st day of July, 2000, there shall be paid to every person who has been a Member of the Legislative Assembly on or after the 1st day of September, 1988, a pension of rupees two thousand and five hundred per mensem.

As the above provision of said section 3B of the Act, 1964, will not entitle the persons who were Members of the Legislative Assembly prior to 1-9-1988, for pension, and as this was not the intention of the Legislature at the time of enacting said Amendment Act 20 of 2000, it is proposed to remove this lacuna by suitably amending sub-section (1) of said section 3B of the Act, 1964.

This Bill seeks to achieve the above objects.

Financial Memorandum

Financial implications on account of the proposed amendment to the Goa Salary, Allowances and Pension of Members of the

Legislative Assembly Act, 1964 (Act 2 of 1965), were already included in the Financial Memorandum appended to the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2000 (Bill No. 38 of 2000), subsequently assented to by the Governor of Goa and registered as Goa Act 20 of 2000. Hence, no fresh financial implications are involved in the present Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa.
10th January, 2001.

MANOHAR PARRIKAR
Chief Minister

Assembly Hall,
Porvorim, Goa.
10th January, 2001.

R. KOTHANDARAMAN
Secretary to the
Legislative Assembly
of Goa

Governor's Recommendation under Article 207
of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa, hereby recommend the introduction and the consideration of the Goa Salary, Allowances and Pension of Members of the Legislative Assembly (Amendment) Bill, 2001, by the Legislative Assembly of Goa.

ANNEXURE

Extract of Section 3 B of the Goa Salary,
Allowances and Pension of Members of the
Legislative Assembly Act, 1964 (Act 2 of 1965)

Section 3 B Pension.— (1) With effect from the 1st day of July, 2000, there shall be paid to every person who has been a Member of the Legislative Assembly on or after the first day of September, 1988, a pension of rupees two thousand and five hundred per mensem, for the first year and two hundred and fifty rupees for every successive year of his membership in the Assembly and while reckoning the period of one year, days exceeding 180 days in a calendar year shall be counted as one year:

Provided after the death of the person as aforesaid, the pension shall be payable to his widow or her widower, as the case may be, as long as she or he does not remarry and such pension shall be payable subject

to the provisions in the succeeding sub-sections of this section.

(2) Where any person entitled to pension under sub-section (1),—

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory, or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(iii) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority.

Such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold office or as such member, or is so employed, or continues, to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed or whom the remuneration, referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government or any local authority under any law or otherwise, then:—

(a) Where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) Where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section:

Provided that any pension (whether known as Swatantrata Sainik Sanman pension or by any other name) received by such pensioner as a freedom fighter shall not be taken into account for the purpose of this sub-section and such person shall be entitled to receive

such pension in addition to the pension to which he is entitled under sub-section (1).

(4) In computing the number of years of the purpose of sub-section (1), the period during which a person has served as Minister as defined in the Goa Salary, Allowances and Pension of Ministers Act, 1964 or as a Speaker or Deputy Speaker as defined in the Goa Salary, Allowances and Pension of the Speaker and Deputy Speaker Act, 1964 shall also be taken into account."

Assembly Hall,
Porvorim, Goa.
10th January, 2001.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for General information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Panchayat Raj (Amendment)
Bill, 2001

(Bill No. 12 of 2001)

A

BILL

further to amend the Goa Panchayat Raj Act, 1994
(Goa Act 14 of 1994).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Panchayat Raj (Amendment) Act, 2001.

(2) It shall be deemed to have come into force with effect from the 6th day of December, 2000.

2. *Amendment of section 180.*— In section 180 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter referred to as the "principal Act"), in sub-section (1),—

(i) in clause (b), after the figure ";", the word "or" shall be inserted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) any new Panchayat or deemed Panchayat or any new Zilla Panchayat is established in accordance with the provisions of this Act;"

3. *Repeal and Saving.*— (1) The Goa Panchayat Raj (Amendment) Ordinance, 2000 (Ordinance No. 11 of 2000), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Statement of Objects and Reasons

The Goa Panchayat Raj (Amendment) Ordinance, 2000 (Ordinance No. 11 of 2000), was promulgated by the Governor of Goa on 6-12-2000, thereby amending section 180 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), so as to empower the Government to appoint an Administrator whenever any new Panchayat or deemed Panchayat or any new Zilla Panchayat is established in accordance with the provisions of the said Act, 1994.

This Bill seeks to replace the said Ordinance.

Panaji-Goa
16 January, 2001.

MANOHAR AZGAONKAR
Minister for Panchayats

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim, Goa
16 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

ANNEXURE

**Extract of section 180 of the Panchayat Raj Act, 1994
(Goa Act 14 of 1994)**

180. *Power to appoint Administrator in certain cases.*— (1) Whenever,—

(a) any general election to a Zilla Panchayat or Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or

(b) all the members or more than two-thirds of the members of a Zilla Panchayat have resigned;

the Government shall, by notification in the Official Gazette, appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, as however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1), and during the period of such appointment, the Zilla Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such Panchayat charged with carrying out the provisions of this Act, or any other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

Assembly Hall,
Porvorim-Goa.
16 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 18-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Municipalities (Amendment)
Bill, 2001

(Bill No. 13 of 2001)

A
BILL

further to amend the Goa Municipalities Act,
1968 (Act 7 of 1969).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2001.

(2) Sections 2 and 4 of this Act shall be deemed to have come into force with effect from the 6th day of December, 2000.

(3) Section 3 of this Act shall come into force at once.

2. *Amendment of section 6.*— In section 6 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the "principal Act"), after sub-section (2), the following shall be inserted, namely:—

"(3) In case where election to a Municipal Council has not been conducted within a period of six months from its declaration as a Municipal area, such Municipal area shall be deemed to be a Panchayat for the purpose of section 3 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994)."

3. *Amendment of section 9.*— In sub-section (2) of section 9 of the principal Act, in the table below clause (a), in items (i) and (ii), for the expression "for every 5,000 of the population", the expression "for every 3,000 of the population or part thereof" shall be substituted.

4. *Repeal and Saving.*— (1) The Goa Municipalities (Amendment) Ordinance, 2000 (Ordinance No. 10 of 2000), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Statement of Objects and Reasons

The Goa Municipalities (Amendment) Ordinance, 2000 (Ordinance No. 10 of 2000), was promulgated by the Governor of Goa on 6-12-2000 thereby amending section 6 of the Goa Municipalities Act, 1968 (Act 7 of 1969), so as

to provide that, in case where election to a Municipal Council has not been conducted within a period of six months from its declaration as a Municipal area, such Municipal area shall be deemed to be a Panchayat for the purpose of section 3 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994). Further, as per the existing provision under section 9 of the said Act, 1968, there is no equitable distribution of the elected Councillors viz-a-viz the population in 'A' and 'B' Class Municipal Councils and hence it is proposed to amend sub-section (2) of said section 9 of the Act, 1968.

This Bill seeks to achieve the above objects and also replace the said Ordinance 10 of 2000.

Panaji-Goa
16th January, 2001.

DIGAMBAR KAMAT
Minister for
Urban Development

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim, Goa.
16th January, 2001.

R. KOTHANDARAMAN,
Secretary (Legislature).

ANNEXURE

The Goa Municipalities Act, 1968 (Act 7 of 1969)

Section 6. Alteration the limits of Municipal area.—

(1) The Government may by notification in the Official Gazette—

(a) Alter the limits of a municipal area so as to include therein or to exclude therefrom such local area as may be specified in the notification;

(b) amalgamate two or more municipal areas so as to form one municipal area;

(c) split up any municipal area into two or more municipal areas;

(d) declare that the whole of any local area comprising a municipal area shall cease to be municipal area:

Provided that no such notification shall be issued the Government under any of the clauses of this sub-section without consulting the Municipal Council or Councils and other local authorities concerned.

(2) Prior to the publication of a notification under sub-section (1), the procedure prescribed in sub-section (3), (4) and (5) of section 3 shall *mutatis mutandis* be followed.

Section 9. Composition of Councils

(1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections:

Provided that:

(1) in every Council, not less than 1/3 seats shall be reserved for women;

(2) in every council, seat shall also be reserved for Scheduled Caste and Scheduled Tribes and for Women belonging to Scheduled Caste, as the case may be, the Scheduled Tribes as provided under sub-section (2).

(2) The Director shall from time to time by an order published in the Official Gazette fix for each municipal area—

(a) The number of elected Councillors in accordance with the following table:

Class of Municipal Area	Number of elected Councillors
(i) 'A' Class	The minimum number of elected Councillors shall be 15, and for every 5,000 of the population above 50,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 20;
(ii) 'B' Class	The minimum number of elected Councillors shall be 10, and for every 5,000 of the population above 15,000 there shall be one additional elected Councillor, so, however, that the total number of elected Councillors shall not exceed 15;
(iii) 'C' Class	The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Scheduled Castes or the Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different constituencies in a municipal area.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council.

(d) the reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for these Castes and Tribes in the House of the people ceases to have effect under the Constitution of India:

Provided that nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(4) Every order under sub-section (2) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order.

Assembly Hall, R. KOTHANDARAMAN
Porvorim, Goa. Secretary (Legislature).
16th January, 2001.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 19-1-2001 is hereby published for General information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa State Guarantees (Amendment)
Bill, 2001

(Bill No. 14 of 2001)

A

BILL

further to amend the Goa State Guarantees Act,
1993 (Goa Act 16 of 1993).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa State Guarantees (Amendment) Act, 2001.

(2) It shall be deemed to have come into force with effect from the 3rd day of October, 2000.

2. *Amendment of section 3.*— In section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993) (hereinafter referred to as the "principal Act"), in sub-section (1), for the expression "Rs. 200.00 crores", the expression "Rs. 350.00 crores" shall be substituted.

Statement of Objects and Reasons

In terms of sub-section (1) of section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993), the limit upto which the executive power of the State Government shall extend to the giving of guarantees as provided in clause (1) of Article 293 of the Constitution of India, shall be the sum of Rs. 200.00 crores only. Due to the increased tempo of developmental activities, the State Government, as well as, various local bodies, statutory corporations and Government companies are exploring various avenues for raising resources including loans from financial institutions, issue of State Government guaranteed bonds and issue of guarantees for infrastructure development and projects.

It is, therefore, proposed to increase the limit of giving of guarantees from the sum of Rs. 200.00 crores to Rs. 350.00 crores, by suitably amending said sub-section (1) of section 3 of the said Act, 1993.

This Bill seeks to achieve the above object.

Panaji-Goa
17th January, 2001.

MANOHAR PARRIKAR
Chief Minister

Financial Memorandum

Financial implications of the proposed Bill will arise only when Government guarantees are invoked against the State Government and the liability charged to the Consolidated Fund of the State. The amount involved in such cases cannot be foreseen at this stage.

Memorandum Regarding Delegated Legislation

The Goa Entertainment Tax (Amendment)
Bill, 2001

No delegated legislation is envisaged in this Bill.

(Bill No.15 of 2001)

Assembly Hall,
Porvorim, Goa.

R. KOTHANDARAMAN
Secretary (Legislature)

A

BILL

Governor's Recommendation under Article 207 of
the Constitution

In pursuance of Article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa, hereby recommend the introduction and the consideration of the Goa State Guarantees (Amendment) Bill, 2001, by the Legislative Assembly of Goa.

further to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

ANNEXURE

The Goa State Guarantees Act, 1993 (Act No. 16 of 1993)

3. *Fixation of limit upto which State may give guarantees.*— (1) The limit upto which the executive power of the State Government shall extend to the giving of guarantees including guarantees given before the commencement of this Act as provided in clause (1) of Article 293 of the Constitution of India, shall be the sum of Rs. 40.00 crores.

(2) The State Government shall lay before the State Legislature,—

(a) a Statement of any guarantee given as soon as may be after it is given but not later than three months; and

(b) within three months after the end of any financial year in which any guarantees so given are in force, an account of the total sums, if any, which during that year have been either issued out of the Consolidated Fund of the State or paid in or towards repayment of any sum so issued.

1. *Short title and commencement.*— (1) This Act may be called the Goa Entertainment Tax (Amendment) Act, 2001.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*— In section 1 and in any other section of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964) (hereinafter referred to as the "principal Act"),—

(i) in the long and short title, the figure and words "Daman and Diu", wherever they occur, shall be omitted;

(ii) for the words "Union Territory of Goa, Daman and Diu", wherever they occur, the words "State of Goa" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act, —

(i) in clause (b), after the expression "under sub-section (1) of section 2A", the expression "and includes an Additional Commissioner of Entertainment Tax" shall be inserted;

(ii) in clause (d), after the expression "amusement", and before the word "game", the expression "river cruise/boat cruise, casinos of all kinds," shall be inserted;

(iii) in clause (f), after sub-clause (iv), the following provisos shall be inserted, namely:—

"Provided that any payment not exceeding Rs. 2/- per ticket or 10% of the payment for admission, whichever is less, if charged by the proprietor towards service charges separately

Assembly Hall,
Porvorim, Goa
17 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 19-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

and the proprietor shows to the satisfaction of the prescribed officer or such other officer notified by the Government, that the amount of such service charges shall be spent by him or by the owner/lessor of the theatre, as the case may be, within such period as may be notified, towards maintenance and providing facilities and safety measures in permanent cinema theatres, such service charges shall not be included in the payment for admission:

Provided further that the total amount of service charges collected by the proprietor should not exceed the amount spent upto the notified period in maintaining and providing facilities and safety measures in permanent cinema theatres or for a period of three years from the notified date, whichever is earlier:

Provided also that if the amount collected by way of service charges is not spent within the notified period or extended period, the proprietor shall be liable for penalty not exceeding one and half times the amount of such service charges in addition to the entertainment tax at prevailing rate.

The proprietor shall furnish an undertaking jointly signed with the owner/lessor of the theatre stating that the amount of service charges collected shall be spent towards maintenance and providing facilities and safety measures and in the event of default thereof they shall be jointly liable to pay the amount with penalty."

4. *Amendment of section 2A.*— In sub-section (1) of section 2A of the principal Act, for the word "Commissioner", the expression "Commissioner and/or Additional Commissioner" shall be substituted.

5. *Amendment of section 3.*— In sub-section (1) of section 3 of the principal Act, in clause (b),—

(i) after the expression "tax in respect of" and before the expression "theatrical performance", the expression "river cruise/boat cruise/casinos of all kinds," shall be inserted;

(ii) in item (ii), for the figure "20", the figure "15%" shall be substituted.

6. *Insertion of new section 3D.*— After section 3C of the principal Act, the following section shall be inserted, namely:—

"3D. *Composition of tax payable on entertainment provided by way of river cruises/boat cruises under section 3.*— In lieu of

tax payable under section 3 for entertainment provided by way of river cruises/boat cruises, the proprietor may, at his option and in such manner as may be prescribed, pay the tax by way of composition at 30% of the aggregate value of notional receipts receivable for admission worked out as under:—

Aggregate notional receipts = total capacity of the boat or vessel by way of number of persons, on which entertainment is provided by way of river cruises/boat cruises X rate per ticket per adult person X number of trips".

7. *Amendment of section 5.*— In section 5 of the principal Act, after sub-section (3), the following shall be inserted, namely:—

(4) Notwithstanding anything contained in clause (b) of sub-section (1) of section 3 of this Act, the entertainment provided by way of river cruises/boat cruises prior to the date of enforcement of the Goa Entertainment Tax (Amendment) Act, 2001, shall be exempted from entertainment tax if aforesaid tax has not been collected on such entertainment on the ground that no such tax could have been levied or collected at that time:

Provided that the burden of proving that the entertainment tax was not collected on entertainment provided by way of river cruises/boat cruises referred to in clause (b) of sub-section (1) of section 3, shall be on the person claiming exemption under this sub-section.

Statement of Objects and Reasons

The High Court of Bombay, Panaji Bench in Writ Petition No. 380 of 1992 dated 26-2-1998 has held river cruises to be an entertainment. The Bill therefore, proposes to amend section 2 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964), so as to cover river cruise/boat cruise and casinos of all kinds, within the definition of 'entertainment' in the said Act, 1964.

The Bill proposes to amend section 2(f) of the said Act, 1964, so as to give relief to the proprietor of the cinema theatres by allowing charging of service charges of Rs. 2/- per ticket or 10% of payment for admission, whichever is less towards maintenance and providing facilities and safety measures, and exempt such charges from the payment of entertainment tax.

The Bill proposes to amend section 2A of the said Act, 1964, so as to provide for appointment of Additional Commissioner of Entertainment Tax.

The Bill further proposes to insert a new section 3D in the said Act, 1964 so as to provide for composition of tax payable on entertainment provided by way of river cruises/boat cruises in the manner as specified therein.

The Bill also proposes to insert sub-section (4) in section 5 of the said Act, 1964, so as to provide that the entertainment provided by way of river cruises/boat cruises prior to the date of enforcement of the Goa Entertainment Tax (Amendment) Act, 2001, shall be exempted from entertainment tax if the tax has not been collected on such entertainment on the ground that no such tax could have been levied or collected at that time.

This Bill seeks to achieve the above objects.

Panaji, Goa.
18 January, 2001.

MANOHAR PARRIKAR
Chief Minister

Financial Memorandum

No financial implications are involved towards implementation of the provisions of the Act since no additional expenditure will be incurred on account of the proposed amendments.

Memorandum Regarding Delegated Legislation

Proposed first proviso to section 2(f) (iv) to the Goa, Daman and Diu Entertainment Tax Act, 1964 (Act 2 of 1964), seeks to provide for framing rules as regards the officer for the purpose specified therein.

Proposed new section 3D to the said Act, 1964, empowers the Government to make rules providing for manner in which payment of tax by way of composition shall be made.

The above delegations are of normal character.

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

Governor's recommendation under Article 207 of the Constitution

In pursuance of article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa Entertainment Tax (Amendment) Bill, 2001.

ANNEXURE

Extracts of the Goa, Daman & Diu Entertainment Tax Act, 1964

Section 1. *Short title, extent and commencement.*— (1) This Act may be called the Goa, Daman and Diu Entertainment Tax Act, 1964.

(2).....

(3) It shall come into force on the 1st day of April, 1964.

Section 2. *Definitions.*— In this Act, unless there is anything repugnant in the subject or context —

(a).....

(b) "Commissioner" means the Commissioner of Entertainment Tax appointed under sub-section (1) of section 2A;

(c).....

(d) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted for payment;

(e).....

(f) "payment for admission" means the amount paid for admission and includes —

(i) any payment for seats or other accommodation in a place of entertainment.

(ii) any payment made for the loan or use of any instrument or contrivance which enables a person to get a normal or better view or hearing of the entertainment which, without the aid of such instrument or contrivance such person would not get; and

(iii) any payment for any purpose whatsoever connected with an entertainment or for a programme of synopsis thereof which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment,

(iv) any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving tax or more tax is required.

Note— "payment for admission" does not include any amount collected by way of tax under this Act provided such amount is separately shown on the ticket issued for admission;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "proprietor" in relation to any entertainment includes any person responsible for, or for the time being in charge of, the management thereof;

(i) "tax" or "entertainment tax" means the tax leviable under section 3;

(j) "Surcharge or surcharge on entertainment tax" means the surcharge leviable under section 3A.

Section 2A. Taxing Authorities.— (1) The Government shall appoint an officer to be called the Commissioner of Entertainment Tax for carrying out the purpose of this Act.

(2) The Government shall appoint an Assistant Commissioner of Entertainment Tax and such number of Entertainment Tax Officers as it deems necessary to assist the Commissioner in the execution of his functions under this Act.

(3) The Commissioner may appoint such number of,—

(a) Assistant Entertainment Tax Officers;

(b) Entertainment Tax Inspectors; and

(c) Other officers and such ministerial staff as he thinks necessary to assist him in the execution of his functions under this Act.

(4) The Commissioner and all other Officers and persons appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Section 3. Levy of Tax.

(a) There shall be levied and paid to the Government on all payments for admission to any entertainment, not being a game or sport, a tax at the following rates, namely:—

- | | |
|--|---------------------------------------|
| (i) On payments for admission not exceeding Re. 1/- | 30% of the amount paid for admission; |
| (ii) On payments for admission exceeding Re. 1/- but not exceeding Rs. 2/- | 45% of the amount paid for admission; |
| (iii) On payments for admission exceeding Rs. 2/- | 60% of the amount paid for admission; |

(b) Notwithstanding anything contained in clause (a), tax in respect of theatrical performance, including dramas, shall be levied and paid at the following rates, namely:—

- | | |
|--|-----|
| (i) On payment for admission not exceeding Rs.10/- | NIL |
|--|-----|

- | | |
|---|---------------------------------------|
| (ii) On payment for admission exceeding Rs.10/- | 20% of the amount paid for admission; |
|---|---------------------------------------|

(c) Where the entertainment is provided by a game or sport, the tax shall be levied and paid at the following rates, namely:—

- | | |
|---|---------------------------------------|
| (i) On payment for admission not exceeding Re. 1/- | NIL |
| (ii) On payment for admission exceeding Re. 1/- but not exceeding Rs. 2/- | 15% of the amount paid for admission. |
| (iii) On payments for admission exceeding Rs. 2/- | 20% of the amount paid for admission; |

"(2) In computing the tax payable under sub-section (1) the tax leviable shall be computed with reference to each single person admitted and shall, wherever necessary, be rounded off to the nearest multiple of five paise and, for this purpose, where such amount contains any amount less than five paise, then if such amount is two paise or more, it shall be increased to five paise and if such amount is less than two paise, it shall be ignored."

(3) Where the payment for admission to any entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission to any entertainment or involving such right of admission without further payment or at a reduced charge, the entertainment tax shall be paid on the amount of the lump sum, but where the Commissioner is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the tax has not been in operation, the tax shall be charged on such amount as appears to the Commissioner to represent the right of admission to entertainment in respect of which the entertainment tax is payable.

(4) There shall be levied and paid to the Government on every complimentary ticket issued by the proprietor the entertainment tax at the appropriate rate prescribed under sub-section (1), as if full payment has been made for admission to the entertainment according to the class or set of accommodation which the holder of such ticket is entitled to occupy or use and the holder of such ticket shall be deemed to have been admitted for payment for the purpose of this Act.

"3A. Commissioner to decide whether an entertainment is a game or sport or a theatrical performance other than a drama.— (1) If any question arises whether an entertainment is a game or sport or a theatrical performance other than a drama, the Commissioner shall

decide the question after making inquiry in the manner prescribed.

(2) Any person aggrieved by the decision of the Commissioner may prefer an appeal to the Government within such time and in such manner and on payment of such fee as may be prescribed and the decision of the Government on such appeal shall be final."

3B. Levy of Surcharge.—(1) In addition to the tax payable under section 3 of the principle Act, there shall be levied and paid to the Government on every admission to an entertainment, a surcharge on entertainment tax which shall be calculated at the rate of ten percent on the entertainment tax payable.

(2) In computing the surcharge payable under sub-section (1), the surcharge leviable shall be computed with reference to each single person admitted and shall, wherever necessary, be rounded off to the nearest multiple of five paise and, for this purpose, where such amount contains any amount less than five paise, then if such amount is two paise or more it shall be increased to five paise and if such amount is less than two paise it shall be ignored.

3C. Substitution of certain words.—For the words "tax" or "entertainment tax" wherever they occur in the principle Act in the context of payment of tax the words "tax and surcharge" or "entertainment tax and surcharge on entertainment tax" shall be substituted respectively".

Section 5. Exemptions.—(1) Entertainment tax shall not be levied on payments for admission to any entertainment where the commissioner is satisfied that,

(a) the whole of the takings thereof are devoted to philanthropic or charitable purpose; or

(b) the entertainment is of an educational or scientific character;

(c).....

(2) The Government may exempt from entertainment tax any ticket or complimentary ticket issued to a person in uniform serving in the defence forces of India, subject to such conditions as may be prescribed.

(3) The Government may, by general or special order exempt any entertainment or class of entertainments from liability to entertainment tax in whole or in part.

Assembly Hall, R. KOTHANDARAMAN
Porvorim, Goa. Secretary (Legislature)
18 January, 2001.

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 19-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 2001

(Bill No. 16 of 2001)

A

BILL

further to amend the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988 (Goa Act No.17 of 1988).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:-

1. Short title and commencement.— (1) This Act may be called the Goa Tax on Luxuries (Amendment) Act, 2001.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 1.— In the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988 (Goa Act No. 17 of 1988) (hereinafter referred to as the "principal Act"),—

(i) in the long title, the expression "(Hotels and Lodging Houses)" shall be omitted;

(ii) in the preamble, the words "on Luxuries provided in hotels and lodging houses" shall be omitted;

(iii) in sub-section (1) of section 1, the expression "(Hotels and Lodging Houses)" shall be omitted.

3. Amendment of section 2.— In section 2 of the principal Act,—

(i) for clause (b), the following clause shall be substituted, namely:—

"(b) 'business' includes,—

(i) the activity of providing residential accommodation and any other services in connection with, or incidental or ancillary to such activity of providing residential accommodation by a hotelier for monetary consideration;

(ii) the activity of providing, stocking, winding, distributing or supplying of luxuries;"

(ii) in clause (cc), after the words "purposes of this Act", the words "and includes Additional Commissioner of Luxury Tax" shall be inserted;

(iii) after clause (e), the following clause shall be inserted, namely:—

"(ee) 'luxuries' means commodities or services specified in the Schedule, ministering the enjoyment, comfort or pleasure extraordinary to necessities of life;"

(iv) in clause (j), after the words "provided in a hotel", the words "and value of stock of other luxuries provided" shall be inserted;

(v) after clause (l), the following clause shall be inserted, namely:—

"(ll) 'Schedule' means the Schedule appended to this Act;"

(vi) after clause (m), the following clauses shall be inserted, namely:—

"(mm) 'stock of luxuries' means the quantity of luxuries being the own stock of the stockist or stock entered in the records or account of the stockist or the quantity of luxuries the stockist receives or procures during any year for stocking, wending or distributing or supplying to a wholeseller, intermediary, retailer, or any person but shall not include any quantity of luxuries held in stock on the day or the date of commencement of the Goa Tax on Luxuries (Amendment) Act, 2001;

(mmm) 'stockist' means a person who has in his possession or custody or in his control the stock of luxuries procured in any manner, or manufacture made or processed by him in the course of business in the State or produced or caused to be produced by him into the State, either in his own account or of any others, from any place outside the State, for stocking, wending or supplying such luxuries;"

(vii) in clause (n), after the words "luxuries provided in a hotel", and before the words "payable under this Act", the words "and on other luxuries" shall be inserted.

(viii) in clause (p), after the words "luxuries provided in a hotel during a given period",

the words "and value of stock of luxuries in case of other luxuries provided" shall be inserted;

(ix) after clause (p), the following clauses shall be inserted, namely:—

"(pp) 'turnover of stocks of luxuries' in relation of stockist in respect of any year means the aggregate of the value of stock of luxuries;"

"(ppp) 'value of stock of luxuries' means,—

(i) in respect of stockist being a manufacturer of any of the luxuries, the value of luxuries calculated at the ex-factory price;

(ii) in respect of any other stockist, the value of such luxuries calculated at the price thereto as per the bill, invoice or consignment note or other document of like nature of any person within the State or outside the State from whom such luxuries are received;

Explanation:— In respect of any stockist mentioned in sub-clause

(i) and (ii), the value of stock of luxuries shall include,—

(a) excise duty, countervailing duty paid or payable on such luxuries by a manufacturer or importer thereof as the case may be; and

(b) transport charges, insurance charges, packing charges, forwarding and handling charges, if any, for carrying such luxuries to any premises, godown, warehouse or any other place of the stockist;"

4. *Amendment of section 5.*— In sub-section (2) of section 5 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) Where the charge for	12% of the
luxury provided	charge
a in hotel exceeds	per day of
Rs.1500/-;	luxury
	provided."

5. *Insertion of new section 5A.*— After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Levy of tax on luxuries.*— (1) Subject to the provisions of this Act, there shall be levied and collected a tax on the turnover of stock of

luxuries, in respect of luxuries mentioned in column (2) of the Schedule, at the rate specified in the corresponding entry in column (3) of the Schedule.

(2) The tax levied under sub-section (1) shall be paid by every registered stockist or a stockist liable to get himself registered under this Act.

(3) Notwithstanding anything contained in sub-section (1), but subject to the production of proof as may be prescribed, no tax shall be leviable on the value of stock of luxuries, -

(i) despatched to places outside the State;

(ii) on which tax under this Act has been paid or has become payable.”.

6. *Amendment of section 7.*— In section 7 of the principal Act, after the words “Where a hotel” and before the words “is owned”, the words “or business” shall be inserted.

7. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (1),

(i) after the word and figure “section 5” and before the words and figures “or under sub-section (6)”, the words and figures “or under section 5A” shall be inserted;

(ii) after the word ‘accommodation’ and before the words “by way of business”, the words ‘or other luxuries’ shall be inserted.

8. *Substitution of word ‘hotelier’.*— In the principal Act, for the word “hotelier”, wherever it occurs, except in section 5, the expression “hotelier or stockist, as the case may be”, shall be substituted.

9. *Insertion of Schedule.*— After section 46 of the principal Act, the following Schedule shall be inserted, namely:—

“SCHEDULE

[See sections 5(A) and 2(ee)]

Sr. No.	Description of luxuries	Rate of tax
(1)	(2)	(3)
(1)	Chewing tobacco including gutka.	25%
(2)	Tobacco products excluding those covered under (1) above but other than biddies and snuff.	5%.”.

Statement of Objects and Reasons

Tobacco including chewing tobacco, gutka are known to contain carcinogenic substances which causes cancer. To control its consumption, gutka was made taxable under the Goa Sales Tax Act, 1964 (Act 4 of 1964), at the rate of 100%.

The Supreme Court of India in Kothari Products Ltd. v/s Government of Andhra Pradesh has held that gutka is a tobacco that is covered by an entry in the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, and the branded gutka is liable for tax thereunder. Under the said Goa Sales Tax Act, 1964, tobacco as described from time to time in column 3 of the First Schedule to the Additional Duties of Excise (Goods of Special Importance) Act, 1957, is exempted from Tax. With the result, the levy of 100% tax on gutka under the Goa Sales Tax Act, 1964, shall have to be withdrawn, which will defeat the purpose for which it was introduced.

With the introduction of luxury tax on turnover of Stock of luxuries as defined in the proposed Bill, the price of this commodity will be comparatively unaffordable to the common man which indirectly will control consumption of gutka and other tobacco products in the State.

The Bill also seeks to amend section 5 of the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988 (Act 17 of 1988), so as to provide rate of 12% where the charge of luxury provided in a hotel exceeds Rs.1500/- per day.

Other amendments are of consequential nature.

This Bill seeks to achieve the above objects.

Panaji, Goa.
18 January, 2001.

MANOHAR PARRIKAR
Chief Minister

Financial Memorandum

No financial implications are involved towards implementation of the provisions of this Bill since no additional expenditure will be incurred on account of the proposed amendments.

Memorandum Regarding Delegated Legislation

Clause (3) of proposed new section 5A provides for framing of rules as regards the production of proof to show that no tax shall be leviable on the value of stock of luxuries, as specified therein.

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

Governor's recommendation under Article 207 of the Constitution.

In pursuance of article 207 of the Constitution of India, I, Mohd. Fazal, the Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Bill, 2001.

ANNEXURE

Extract of The Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988.

Section 1. *Short title, extent and commencement.*—(1) This Act may be called the Goa Tax on Luxuries (Hotels and Lodging Houses) Act, 1988.

(2).....

(3).....

Section 2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a).....

(b) 'business' includes the activity of providing residential accommodation and any other service in connection with, or incidental or ancillary to, such activity of providing residential accommodation, by a hotelier for monetary consideration;

(c).....

(cc) 'Commissioner' means the person appointed to be the Commissioner of Luxury Tax under section 3 for the purposes of this Act;

(d).....

(e).....

(f).....

(g).....

(h).....

(i).....

(j) 'receipt' means the amount of monetary consideration received or receivable by a hotelier or by his agent for any luxury provided in a hotel;

(k).....

(l).....

(m).....

(n) 'tax' means the tax levied on luxuries provided in a hotel payable under this Act;

(o).....

(p) 'turnover of receipts' means the aggregate of the amounts of monetary consideration received or receivable by a hotelier or by his agent in respect of the luxuries provided in hotel during a given period;

(q).....

Section 3.....

Section 4.....

Section 5. *Incidence and levy of tax.*—

(1).....

(2) There shall be levied a tax on the turnover of receipts at the following rates, namely:—

- | | |
|--|---|
| (a) Where the charges for luxury provided in a hotel exceeds Rs. 1500/- on any day in a year. | 12% |
| (b) Where the hotel providing luxury is classified or recognized as per three star and above by the Department of Tourism, Govt. of India. | 12% of the charge per day of luxury provided. |
| (c) In any other case | 8% of the charge per day of luxury provided. |

Note: Where the luxuries provided in a hotel are under Time-share Agreement or under the Package deal Agreement or under any such system, the rate of tax for the charge of the luxuries provided shall be in accordance with clause (c) above:

Provided that where the charges are levied otherwise than on daily basis, then the charges for determining the tax liability under this section shall be computed proportionately for a day and based on the total period of occupation of the accommodation for which the charges are made.

(3).....

(4).....

(5).....

(6).....

Section 6.....

Section 7. *Liability of firms as hoteliers.*— Where a hotel is owned, managed or run by a firm, then the firm and each of the partners of the firm shall be jointly and severally liable for payment of tax:

Provided that where any partner retires from the firm, he shall be liable to pay the tax, penalty or interest payable under this Act, if any, remaining unpaid at the time of his

retirement, and any tax due upto the date of his retirement, even if assessment of tax including penalty (if any) is made at a later date.

Section 8.....

Section 9. *Registration of hoteliers.*— (1) No hotelier liable to pay the tax under section 5 or under sub-section (6) of section 8 shall provide accommodation by way of business, unless he possesses a valid certificate of registration as provided by this Act:

Provided that, it shall be lawful for the hotelier to provide or continue to provide accommodation by way of business, if the hotelier has applied for registration within the prescribed time.

- (2).....
- (3).....
- (4).....
- (5).....
- (6).....

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 19-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Tax on Entry of Goods (Amendment)
Bill, 2001

(Bill No. 17 of 2001)

A

BILL

to amend the Goa Tax on Entry of Goods Act, 2000
(Goa Act 14 of 2000).

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Entry of Goods (First Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 of the Goa Tax on Entry of Goods Act, 2000 (Goa Act 14 of 2000) (hereinafter referred to as the "principal Act"),—

(i) for the expression "Short title, extent and commencement", the expression "Short title, extent, commencement, duration and savings" shall be substituted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) It shall remain in force upto the 31st day of March, 2002, but its expiry under the operation of this sub-section shall not affect,—

(a) the previous operation of, or anything duly done or suffered under, this Act or any rule made thereunder or any order made under any such rule, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under this Act or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under this Act or any contravention of any rule made under this Act or of any order made under any such rule, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not expired.

3. *Amendment of section 2.*— In section 2 of the principal Act, in clause (A), in sub-clause (t), the expression "inclusive of charges borne by him as cost of transport, packing, forwarding and handling charges, commission, insurance, taxes, duties and the like," shall be omitted.

4. *Amendment of section 3.*— In sub-section (3) of section 3 of the principal Act, in item 2, after the expression "the Goa Sales Tax Act, 1964 (Act 4 of 1964)", the expression "and under the Central Sales Tax Act, 1956 (Central Act 74 of 1956)" shall be inserted.

5. *Insertion of new sections 3A and 3B.*— After section 3 of the principal Act, the following sections shall be inserted, namely:—

"3A. Refund of tax in respect of tax paid goods.— Subject to such restrictions and conditions as may be prescribed, tax paid under this Act on value of goods which have become liable for sales tax under the Goa Sales Tax Act, 1964 (Act 4 of 1964) or under the Central Sales Tax Act, 1956 (Central Act 74 of 1956), shall be refunded to the dealer.

Notwithstanding anything contained hereinabove, the Commissioner may adjust the amount due to be refunded under this section towards recovery of any amount due from the dealer on the date of adjustment and then refund the balance, if any.

3B. Set-off in respect of tax paid goods in certain circumstances.— Subject to such restrictions and conditions as may be prescribed, a set off of proportionate amount of tax paid under this Act on inputs used in the manufacture of goods actually exported out of the country shall be allowed in proportion of goods used in such manufacture."

6. Amendment of section 9.— In section 9 of the principal Act, for clause (d), the following shall be substituted, namely:—

"(d) "Motor vehicle" means any mechanically propelled vehicle adapted for use upon roads, whether the power of propellation is transmitted thereto from an external or internal source, and includes a chassis where a body has not been attached, a trailer and two/three wheelers but does not include earth moving machinery such as dumpers, excavators, rollers, cranes, ambu-lift, tractors, and vehicle running upon fixed rails or a vehicle of special type adapted for use only in a factory or in any other enclosed premises;"

Statement of Objects and Reasons

The Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000), has been enforced in the State with effect from 1-9-2000. On implementation of the said Act, certain difficulties have been experienced due to some shortcomings in the said Act. To remove these shortcomings, it has become necessary to amend the definition of the term "value of goods" as defined in section 2(A)(t) of the Act so as to exclude from its purview transportation, packing, forwarding, handling, commission, insurance, taxes, duties from the tax base. Similarly, the definition of the expression "motor vehicle" as defined in section 9(d) of the Act, was adopted from the Motor Vehicles Act, 1988, which causes problem as the said definition brings within its compass

mining machinery such as dumpers, loaders, etc. Hence, a new definition of the term "motor vehicle" has been provided in the Bill.

It is also necessary to make provision for refund of entry tax in case sales tax is paid on the said goods. So also, proportionate set-off needs to be provided if the entry tax paid goods are used in the manufacture of goods to be exported. Accordingly, new sections 3A and 3B are proposed to be inserted in the Act, 2000. Exemption from entry tax is available if goods becomes liable for tax under the Goa Sales Tax Act, 1964 (Act 4 of 1964). This facility needs to be extended to goods on which Central Sales Tax becomes payable. Hence, section 3 of the Act is accordingly proposed to be amended.

The levy of entry tax is a short term measure. This Act needs to be repealed once VAT is introduced for which scheduled date is 1-4-2002. To make this position clear, it is necessary to incorporate a provision in the Act to the effect that the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000) shall remain in force upto 31-3-2002.

This Bill seeks to achieve the above objects.

Panaji, Goa.
18 January, 2001.

MANOHAR PARRIKAR
Chief Minister

Financial Memorandum

No financial implications are involved towards implementation of the provisions of this Bill since no additional expenditure will be incurred on account of the proposed amendments.

Memorandum Regarding Delegated Legislation

Proposed new section 3A provides for framing of rules as regards the restrictions and conditions subject to which the tax paid under the said Act, 2000, shall be refunded to the dealer.

Similarly, proposed new section 3B provide for framing of rules as regards the restrictions and conditions subject to which a set-off of proportionate amount of tax paid under the said Act, 2000, shall be allowed.

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

Governor's recommendation under Article 207 of
the Constitution

In pursuance of article 207 of the Constitution of India, I, Mohd. Fazal, Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa Tax on Entry of Goods (Amendment) Bill, 2001.

ANNEXURE

Extract of the Goa Tax on Entry of Goods
(Amendment) Act, 2000
(Goa Act No. 14 of 2000)

Section 2. *Definitions.*—

(A) In this Act, unless the context otherwise requires,—

- (a).....
- (b).....
- (c).....
- (d).....
- (e).....
- (f).....
- (g).....
- (h).....
- (i).....
- (j).....
- (k).....
- (l).....
- (m).....
- (n).....
- (o).....
- (p).....
- (q).....
- (r).....
- (s).....

(t) "value of goods" shall mean the purchase value of such goods, that is to say, the purchase price at which a dealer has purchased the goods inclusive of charges borne by him as cost of transport, packing, forwarding and handling charges, commission, insurance, taxes, duties and the like, or if such goods have not been purchased by him, the prevailing market price of such goods in the local area;

- (u).....
- (v).....
- (B).....

Section 3. *Levy of tax.*— (1) There shall be levied and collected a tax on entry of any goods specified in SCHEDULE I hereto, into a local area upon use of any facilities/infrastructure or any other amenities belonging to or provided by the State for consumption, use or sale therein, at such rates not exceeding the rate as provided for such goods under the Goa Sales Tax Act, 1964 (Act 4 of 1964) as may be specified retrospectively or prospectively

by the Government by notification, and different dates and different rates may be specified in respect of different goods or different classes of goods or different local areas.

(2) The tax levied under sub-section (1) shall be paid by every registered dealer or a dealer liable to get himself registered under this Act who brings or causes to be brought into a local area the goods using any facilities/infrastructure or any other amenities belonging to or provided by the State whether on his own account or on account of his principal or any other person or who takes delivery or is entitled to take delivery of such goods on its entry into a local area.

Explanation.— Where the goods are taken delivery of on its entry into a local area or brought into a local area by a person other than a dealer, the dealer who takes delivery of the goods from such person shall be deemed to have brought the goods into the local area.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no tax shall be levied on and collected from a dealer who brings or causes to be brought into a local area any goods,—

1. in respect of which tax has been paid or has become payable in any other local area under sub-section (1), or

2. in respect of which tax has been paid or has become payable under the Goa Sales Tax Act, 1964 (Act 4 of 1964).

Explanation.— For the purposes of this section, tax paid or become payable should be on goods in the same form in which they are brought or caused to be brought into the local area.

(4) No Tax shall be levied under this Act on any goods specified in SCHEDULE II hereto on its entry into a local area for consumption, use or sale therein.

(5) No tax shall be levied on a defence unit or establishment which causes entry of any goods liable to tax under this Act, into a local area for use by it in the manufacture, repair or research and development of defence and defence related goods only if it is brought in directly by the establishment itself.

(6) Every manufacturer who brings or causes to be brought any goods into the State, the aggregate value of which is less than one lakh rupees in a year and any other dealer who brings or causes to be brought any goods into a local area, the aggregate value of which is less than two lakhs rupees, shall not be liable to pay tax for that year:

Provided that every non-residential dealer including his agent or manager, or every occasional dealer shall be liable to pay tax each year at the rates specified irrespective of the aggregate value of the goods brought or caused to be brought into the local area during the year.

(7) The tax shall be assessed, levied and collected in such manner and in such instalments, if any, as may be prescribed.

(8) Subject to such rules as may be made the assessing authority may assess a dealer for any year, as if, the aggregate value of the goods brought or caused to be brought into a local area in such year had been received as in the previous year.

(9) The tax shall be in addition to tax levied and collected as octroi by a Municipal Council, Zilla Panchayat, or Village Panchayat or any other local authority, as the case may be, within its local areas.

Section 4.....

Section 5.....

Section 6.....

Section 7.....

Section 8.....

Section 9. *Definitions.*— In this Chapter, unless the context otherwise requires,—

(a) "accessories" means air-conditioners, music system and any other articles fitted to a motor vehicle and which are not included in the original invoices

(b) "entry of motor vehicle into a local area from outside the State" with all its grammatical variations and cognate expressions, means entry of motor vehicle, into a local area from any place outside the State for use or sale therein:

(c) "importer" means a person who brings a motor vehicle into a local area from any place outside the State for use or sale therein and who owns the vehicle at the time of its entry into a local area;

(d) "motor vehicle" means motor vehicle as defined in clause (28) of section 2 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988);

(e) "person" includes any company or association or body of individuals, whether incorporated or not, and also a Hindu Undivided family, a firm, a society, a club, an individual, the Central Government or the Government of any other State, Union Territory, or a local Authority;

(f) "purchase value" means the value of motor vehicle as ascertained from the invoice and includes the value of accessories fitted to the vehicle, insurance, excise duty, countervailing duties, sales tax, transport fee, freight charges and all other charges incidentally levied on the purchase of a motor vehicle:

Provided that, where purchase value of a motor-vehicle is not ascertainable on account of non-availability or non-production of invoice or when the invoice produced is proved to be false or if the motor vehicle is acquired or obtained otherwise than by way

of purchase, then the purchase value shall be at the value or price of being sold in open market;

(g) "State" means the State of Goa.

Section 10. *Levy of Tax.*— (1) Notwithstanding anything contained in section 3, there shall be levied and collected a tax on the entry of any motor vehicle into a local area for use or sale therein by an importer which is liable for registration, or assignment of a new registration mark in the State under the Motor Vehicles Act, 1988 (Central Act 59 of 1988).

(2) The tax shall be levied on the purchase value of the motor vehicles at such rate as may be fixed by the Government by Notification but not exceeding the rates specified in respect of motor vehicles under the Goa Sales Tax Act, 1964 (Act 4 of 1964):

Provided that, no tax shall be levied and collected in respect of a motor vehicle which is registered in any Union Territory or any other State under the Motor Vehicles Act, 1988 (Central Act 59 of 1988), fifteen months prior to the date on which a new registration mark is assigned in the State under the Act.

(3) The tax levied under this Act shall be paid by the importer in such manner and within such time as may be prescribed.

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

LA/E-9/288/2001

The following Bill which was introduced in the Legislative Assembly of Goa on 19-1-2001 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Ground Water Regulation
Bill, 2001

(Bill No. 18 of 2001)

A

BILL

to regulate and control the development of ground water resources and matters connected therewith.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Ground Water Regulation Act, 2001.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Act" means the Goa Ground Water Regulation Act, 2001;

(b) "Canal Officer (GW)" means the Canal Officer authorised and/or appointed by the Government to perform the functions of the Canal Officer for ground water under this Act;

(c) "Government" means the Government of Goa;

(d) "ground water" means the water under the surface of the earth regardless of the geological structure in which it is stationery or moving and includes all ground water reservoirs;

(e) "ground water cell" means the cell headed by the Chief Engineer, Department of Water Resources of the Government;

(f) "mining activity" means that activity as governed by the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957);

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled area" means the areas as specified in Schedules A, B and C to this Act;

(i) "sink" with all its grammatical variations and cognate expressions in relation to a well shall include any digging, drilling or boring of a well or deepening carried out to the existing wells;

(j) "source of water" means the water which exists in the nallahs, wells, rivulets, rivers, lakes,

ponds, borewells, tubewells, canals, springs, etc;

(k) "specified industry" means any industry specified in Schedule I to this Act;

(l) "user of ground water" means the person or persons or an institution including a company or an establishment, whether Government or not, who or which own or use or draw ground water for any purpose, including domestic and agricultural use made, either on a personal, institutional or community basis;

(m) "watershed" means a land unit bounded by natural boundaries within which all the rainfall flowing over the land unit converges to a common point of outflow;

(n) "well" means a well sunk for the search or extraction of ground water by person or persons except by the authorised Officials of the State or Central Governments for carrying out scientific investigations, exploration, development or management work for the survey and assessment of ground water resources and includes open well, dug well, sunk well, bore well, tube well, tank, pond, dug-cum-borewell, filter point, collector well and infiltration gallery.

3. *Grant of permission to sink a well, extract and/or transport ground water in the scheduled area.*—

(1) Notwithstanding anything contained in any law for the time being in force, no person shall sink a well in the scheduled area unless he has obtained permission in this behalf from the Canal Officer (GW).

(2) No person shall transport ground water by means of any lorry, tanker or any other goods vehicle.

(3) Any person desiring to,—

(i) sink a well and extract ground water in the scheduled area; and/or

(ii) transport the ground water by means of lorry, trailer or any goods vehicle,

shall apply to the Canal Officer (GW) for the grant of permission for this purpose and shall not proceed with any activity connected with such sinking or transportation, as the case may be, unless a permit has been granted by the Canal Officer.

(4) Every application made under sub-section (3) shall be in such form and contain such particulars as may be prescribed.

(5) On receipt of an application under sub-section (3), if the Canal Officer (GW) is, on the advice of the ground water cell, satisfied that it shall be in the public interest so to do, he may, for reasons to be recorded in writing,—

(a) grant, subject to such terms, conditions and restrictions as may be specified, a permission authorizing such sinking, or transportation, as the case may be, or

(b) refuse to grant the permission:

Provided that no permission shall be refused unless the applicant has been given an opportunity of being heard.

(6) The decision regarding the grant or refusal of permission shall be intimated by the Canal Officer (GW) to the applicant within a period of 120 days from the date of receipt of the application, failing which, the permission applied for shall be deemed to have been granted.

(7) In granting or refusing to grant permission under sub-section (5), the Canal Officer (GW) shall have regard to the following matters, namely:—

(a) the purpose or purposes for which the well is to be sunk;

(b) the existence of other competitive users;

(c) the existence of other wells in the locality;

(d) the availability of ground water;

(e) quality of the ground water with reference to use;

(f) long term ground water behaviour;

(g) the lifting device proposed to be used;

(h) the quantity of ground water withdrawal and hours of operation per day;

(i) any other factors relevant or connected thereto.

(8) No person shall transport more than three thousand litres of ground water annually by

means of transport vehicle or pipeline other than the Government, unless he has obtained a permission in this behalf from the Canal Officer (GW).

(9) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Canal Officer (GW) by the user of the ground water.

(10) The permission under sub-section (3) shall be in such form as may be prescribed but shall not be issued for a period exceeding three years at a time.

4. *Registration of existing wells in the scheduled area.*— (1) Every existing user of ground water in the scheduled area shall, within a period of sixty days from the date of commencement of this Act, apply to the Canal Officer (GW) for grant of certificate of registration recognising his existing well, in such form and in such manner as may be prescribed:

Provided that the Canal Officer (GW) may entertain any such application after expiry of the said period of sixty days, if he is satisfied that the user of ground water was prevented by sufficient cause from filing the application in time.

(2) The details to be furnished in an application under sub-section (1) shall include the following, namely:—

(i) the description of the source of water, such as type of wells, its exact location;

(ii) the lifting device used;

(iii) the quantity of ground water withdrawal and hours of operation per day;

(iv) the total period of use in each year;

(v) the purpose or purposes for which ground water is being extracted;

(vi) in case of irrigation well, the location and extent of area irrigated;

(vii) in case of State, Municipalities or community run water supply schemes, the details of the services involved in addition to the quantities of water extracted, the diversion or pumping points and their locations.

(3) On receipt of an application under sub-section (1), if the Canal Officer (GW) is satisfied that it shall not be against the public interest to do so, he may grant, subject to such conditions and restrictions and collection of such charges as may be specified from time to time, a certificate of registration authorising the continued use of the water from such well:

Provided that no person shall be refused a certificate of registration unless he has been given an opportunity of being heard.

(4) The decision regarding the grant or refusal of the certificate of registration shall be intimated by the Canal Officer (GW) to the applicant within a period of one hundred and twenty days from the date of receipt of application.

(5) In granting or refusing a certificate of registration under sub-section (3), the Canal Officer (GW) shall have regard to:—

(a) the purpose or purposes for which the water is to be used;

(b) the existence of other competitive users;

(c) the availability of water;

(d) quality of ground water with reference to the use;

(e) spacing of the ground water structures keeping in consideration the purpose for which water is to be used;

(f) long term ground water behaviour;

(g) any other factors relevant thereto;

(h) the quantity of ground water withdrawal and hours of operation per day.

(6) The certificate of registration shall be valid for a maximum period of five years from the date of issue.

(7) The certificate of registration shall be in such form as may be prescribed.

(8) Pending communication beyond one hundred and twenty days from the Canal Officer (GW) of the decision on an application under sub-section (1), every existing user of ground water shall be entitled to the continued use of the

ground water in the same manner and to the same quantity as, he was entitled prior to the date of his application.

(9) If a registered well becomes defunct, this fact should be immediately brought to the notice of the Canal Officer (GW), by the user of the ground water of the said well.

5. *Powers to alter, amend or vary the terms of the permission.*— At any time after a permission under section 3 or certificate of registration under section 4, as the case may be, has been granted, the Canal Officer (GW) may, for technical reasons, alter, amend or vary the terms of the permission or certificate of registration, as the case may be, provided the user of the ground water has been given an opportunity of being heard.

6. *Cancellation of permission/certificate of registration.*— If the Canal Officer (GW) is satisfied, either on a reference made to him in this behalf or otherwise, that,—

(a) the permission or certificate of registration granted under sub-section (5) of section 3 or sub-section (3) of section 4, as the case may be, is not based on true facts;

(b) the holder of the permission or certificate of registration, as the case may be, has, without a reasonable cause, failed to comply with the conditions subject to which the permission or certificate of registration has been granted or has contravened any provisions of this Act or the rules made thereunder, or;

(c) a situation has arisen which warrants limiting of the use or extraction of ground water, without prejudice to any penalty to which the holder of the then permission or of the certificate of registration, as the case may be, may be liable under this Act,

the Canal Officer (GW) may, after giving the holder of the permission or of the certificate of registration, as the case may be, an opportunity to show cause, by order, cancel the permission or certificate of registration, as the case may be.

7. *Declaration of protective measures in the scarcity areas.*— (1) If, at any time, the Canal Officer (GW), on the advice of the ground water cell, having regard to the quantum and pattern of rainfall and any other relevant factor, is of the view that the public drinking water sources are likely to be

affected, he may, by order, declare such area to be water scarcity area for such period as may be specified in the order, but not exceeding six months at a time.

(2) Upon declaration of any area as water scarcity area, the Canal Officer (GW) may, for the duration of the water scarcity period, by order, prohibit construction of new wells in such area for any other purpose other than drinking:

Provided that such restriction shall not apply to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source.

(3) An application for permission to construct a new well under sub-section (2) shall be made to the Canal Officer (GW) in such form and accompanied with such fees as may be prescribed.

(4) Any permission granted under this section shall be subject to—

(a) the condition that the Canal Officer (GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such well for such a period as may be specified in such order, if, in his opinion, it is necessary to do so in the public interest; and

(b) such other conditions and restrictions as may be prescribed:

Provided that no order refusing permission or imposing restrictions shall be passed without affording an opportunity of being heard to the person affected thereby.

8. *Prohibition of /or restrictions on extraction of water.*— If, on the advice of the ground water cell, any existing well in the area declared under section 7 to be water scarcity area, is found to be adversely affecting any public drinking water source, the Canal Officer (GW) may, notwithstanding anything contained in any law for the time being in force and having regard to the quantum and pattern of rainfall and any other relevant factor, after giving its owner a reasonable opportunity of being heard, prohibit the extraction of water or impose such restrictions as may be considered necessary on drawal of water from such wells during the period commencing from 1st of February to 31st of July, every year.

9. *Declaration of over-exploited watershed.*— The Canal Officer (GW) may, on the advice of the ground water cell, declare a watershed as an over-exploited watershed.

10. *Prohibition of sinking wells in over-exploited watersheds.*— (1) Notwithstanding anything contained in the Goa Land Revenue Code, 1968 (Act 9 of 1969), or any other law for the time being in force, and having regard to the prime need of water for drinking purpose of the human beings and in the interest of general public to have the supply of requisite quantity of water for drinking purposes from the public drinking water source in the over-exploited watershed, no person shall, without the permission of the Canal Officer (GW), sink a well within the area of over-exploited watershed:

Provided that, the provisions of sub-section (1) shall not apply to the sinking of a well on behalf of the Government or a local authority for being used as a public drinking water source.

(2)* An application for permission under sub-section (1) shall be made to the Canal Officer (GW) in such form and accompanied by such fee as may be prescribed.

(3) Every permission granted under this section shall be subject to:—

(a) the condition that the Canal Officer (GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate the extraction of water from such well for such period as may be specified in such order, if, in his opinion, it is necessary to do so in public interest;

(b) such other conditions and restrictions as may be prescribed.

11. *Prohibition of extraction of water from an existing well for a certain period.*— If, on advice of the ground water cell, any existing well in the area of an over-exploited watershed is found to be adversely affecting any public drinking water or extraction source, the Canal Officer (GW) may, notwithstanding anything contained in any of the laws relating to water for the time being in force and having regard to the quantum and pattern of rainfall and other data from the existing well and any other relevant factor, after giving its owner a reasonable opportunity of being heard, by order, prohibit the extraction of water from such well during the period of six months from 1st of February to 31st of July, every year.

12. *Closing down of existing well.*— Notwithstanding anything contained in this Act or in any other law for the time being in force, the Canal Officer (GW) may, on the advice of the ground water cell, close down any existing well in the area of an over-exploited watershed, if it is found to be adversely affecting any public drinking water source and if such case cannot be adequately protected by action under section 8, may, after giving its owner a reasonable opportunity of being heard, by an order direct him to stop the extraction of water and close or seal off, such well forthwith, either temporarily or permanently, having regard to the extent to which it so adversely affects.

13. *Payment of compensation.*— Where an order of permanently closing down or sealing off the well is made under section 12, the Canal Officer (GW) may, on making such enquiry and requiring the owner to produce evidence as it may deem necessary, make an order for payment of compensation which shall be not less than the market value of the well and structures thereon and the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) with regard to the determination of compensation of the well shall apply in determining the market value of the well under this section as they apply to the well acquired under that Act:

Provided that, where an order under section 12 relates to temporarily closing down or sealing off a well, water from which is used for the irrigated crops standing at the time of making such an order, the compensation for such crops shall also be payable under this section:

Provided further that, where by virtue of an order made under section 12, any well which is permanently closed or sealed off is, for any reason whatsoever, allowed to be opened for extracting of water therefrom, any subsequent order made for permanently sealing or closing down such well again shall not entitle the owner thereof to claim compensation for such well again.

14. *Bar to claim compensation.*— Subject to the provisions of section 13, no person shall be entitled to claim any damages or compensation from the Government for any loss sustained by him as a result of any order passed under section 6, or under sections 8 or under section 12 or by virtue of any action taken under this Act.

15. *Protection of ground water against quality degradation.*— No person or a company/industry

shall pollute/contaminate potable water by using saline/brackish water for specified industrial process and or dumping industrial, mining and hazardous waste without adequate measures as suggested by the Ministry of Environment and Forests, Government of India, and the Goa State Pollution Control Board.

16. *Power of Canal Officer(GW).*— (1) The Canal Officer(GW) or any person authorized by him in writing in this behalf, shall have the following powers:—

(a) to enter on any property (private or Government) with the right to investigate and make any measurements concerning the land or water located on the surface or underground;

(b) to inspect the well which has been or is being sunk and the soils and materials excavated therefrom;

(c) to take specimens of such soils or other materials or of water extracted from such wells;

(d) to require, by order in writing, the person sinking a well to keep and preserve in the prescribed manner specimens of soils or any materials excavated therefrom for such period not exceeding three months from the date of completion or abandonment of the work as may be specified by the Canal Officer(GW) and thereupon such person shall comply with such requisition;

(e) to inspect and to take copies of the relevant record or documents and ask any question necessary for obtaining information (including diameter or depth of the well which is being sunk; the level at which the water is or was struck and subsequently restored/rested, the type of strata encountered in sinking of the well and the quality of the water struck) required for carrying out the purposes of this Act;

(f) to require the user of ground water to install water measuring device on any water supplies when necessary to properly administer the water or where there is a reason to believe that the user does not comply with the provisions contained in this Act or any other sufficient reason for defending the public interest:

Provided that where the user of ground water does not comply with the requisition issued to him within a period of thirty days, the Canal

Officer (GW) may install such water measuring device and recover the cost from the defaulting user of ground water;

(g) to seize and keep custody of any equipment/device utilised for illegal sinking and close the work executed, partly or fully;

(h) to require any user of ground water, who does not comply with the provisions of this Act and rules framed thereunder, to close down any water supply or destroy any hydraulic work found to be illegal according to the provisions of this Act and the rules framed thereunder:

Provided that where the user of ground water, does not comply with the requisition issued to him within a period of thirty days, the Canal Officer (GW) himself may carry out the necessary work and recover the cost from the illegal user as land revenue;

(i) to enter and search with assistance, if any, as it is considered necessary, any place in which the Canal Officer (GW) has reason to believe that offence under this Act has been or is being committed and order in writing the person who has been or is committing the offence not to extract or use the ground water for a specified period;

(j) to exercise such other powers as may be necessary for carrying out the purposes of this Act or any rules made thereunder.

(2) The power conferred by this section includes the power to break open the door of any premises where sinking, extraction and use of ground water may be going on:

Provided that the power to break open the door shall be exercised only after the owner or any other person in the occupation of the premises, if he is present therein, refuses to open the door on being called to do so.

(3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 93 of the said Code.

17. Powers of the Canal Officer (GW) regarding closure of the well and seizure of materials and equipments:— (1) Whenever it appears to the Canal

Officer (GW) that any well has been sunk or is being sunk in contravention of provisions of section 3 or 7 or 10 or water has been extracted or is being extracted in contravention of section 8 or 11, the Canal Officer (GW) may, by an order in writing, call upon the owner or the person in possession of the well to close the extraction of water and stop the contravention forthwith.

(2) Where the owner or person in possession of the well fails to comply with the directives given in sub-section (1), the Canal Officer (GW) or an Officer duly authorised by him, may enter upon the land, remove obstructions, if any, close the pumping of water, disconnect the power supply, seize any material or equipment used with such extraction of water and take such action as may be required, and may close or seal off the well.

(3) While closing the pumping of water or disconnecting the power supply or seizing any material or equipment under sub-section (2), the Canal Officer (GW) or an Officer duly authorised by him in this behalf shall call upon two or more independent and respectable inhabitants of the locality in which the well is situated or any other locality if no such inhabitant of the said locality is available or willing to be present and witness the aforesaid closure or seizure, as the case may be, and may issue an order to them in writing.

(4) The closure or seizure shall be made in their presence and a list of all materials and equipments seized, shall be prepared by the Officer acting under sub-section (3) and signed by such witnesses and a copy of the list so prepared shall be delivered to the owner of the well or any person representing him.

(5) Where the Canal Officer (GW) or an Officer authorised by him has closed or sealed off the well under sub-section (2), the cost incurred therefrom shall be recovered from such owner or person as an arrears of land revenue.

(6) When an order under this section regarding temporarily closing down or requisitioning a well which was being used for irrigation of crops, is issued, the compensation for such crops standing at the time of making such an order, shall be paid on the basis of average yield of the crops of immediately preceding three years by the Canal Officer (GW) at such rate, not being less than the market value thereof, in such a manner as may be prescribed.

18. *Service of orders, etc.*— (1) Every Order under sections 8, 11 or 12 shall be served,—

(a) by giving or tendering the order or notice or by sending it by post to the user for whom it is intended; or

(b) if such user cannot be found, by affixing the order or notice on some conspicuous part of his last known abode or place of business or by giving or tendering the order or notice to some adult male member of his family or servant or by causing it to be affixed on some conspicuous part of the land or building in which the well is being sunk.

(2) Where the person on whom the order or notice is to be served is a minor, service upon his guardian in the manner provided in sub-section (1) shall be deemed to be service served upon the minor.

19. *Protection against action taken in good faith.*— No prosecution, suit or other legal proceedings shall be instituted against the Government, the Canal Officer (GW) or his authorised representatives for anything done or intended to be done in good faith under this Act, or the rules made thereunder.

20. *Offences and penalties.*—

(A) For non-receipt of information:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder in supplying information as prescribed, or

(b) obstructs the Canal Officer (GW) or any other person authorised by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand.

(B) For illegal sinking/construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or any rules made thereunder;

(b) obstructs the Canal Officer (GW) or any other person authorised by him to exercise the powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees five thousand;

(ii) for the second and subsequent offence, with imprisonment for a term which may extend to six months and or fine which may extend upto rupees ten thousand.

21. *Compounding of Offences.*— Any offence under this Act may be compounded by the Canal Officer (GW), either before or after the institution of proceedings, subject to such conditions as may be prescribed.

22. *Offences by Companies.*— Whenever an offence under this Act has been committed by a Company, every person who, at the time the offence is committed, was in charge of, or was responsible to the Company for the conduct of the business of the Company, shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation:— For the purpose of this section, "Company" means any body corporate and includes a firm or other association of individuals.

23. *Appeals.*— (1) Any person aggrieved by a decision or action of the Canal Officer (GW) under this Act may, within a period of thirty days from the date on which the action is taken or the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to the prescribed authority:

Provided that the prescribed authority may entertain an appeal after the expiry of the said period

of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the prescribed authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

24. *Requisition of wells.*— (1) The Canal Officer (GW) may, in public interest, for providing water for drinking purposes, requisition any well or water source from its owner after due notice in such a manner and in such form as may be prescribed and for such period as may be specified in the order but in no case exceeding six months at a time.

(2) For a well requisitioned under sub-section (1), a compensation for the use of the well for extraction of water therefrom shall be paid to the owner, and such compensation shall be decided by the Canal Officer (GW).

(3) In determining the compensation to be awarded for the compulsory requisitioning of a well or a water source under this Act, the Canal Officer (GW) shall take into consideration,—

(a) the market value of the standing crop, if any, based on average yield of the preceding three years;

(b) the damage sustained by the owner of the well or the water source by depriving him of the use thereof; and

(c) the generation charges including wear and tear of the pump and other accessories in cases where the Canal Officer (GW) decides to retain such facilities while requisitioning the well or the water source.

(4) Where the terms of requisition of well are settled by mutual agreement and understanding, the amount payable to the owner shall be fixed by agreement between the owner and the Canal Officer (GW) and shall be paid in accordance with such agreement by the Canal Officer (GW).

(5) Where no mutual agreement can be reached, the Canal Officer (GW) may order in public interest for compulsory requisitioning of the water source under the provisions of the Act, the amount payable for such compulsory requisitioning shall be determined by the Canal Officer (GW) in accordance with the provisions of sub-section (3).

25. *Power to charge fees.*— The Government may charge such fees as may be prescribed for any permission granted under this Act.

26. *Mining or quarrying.*— No person shall conduct mining and quarrying operations in the scheduled areas where the mining or quarrying operations would affect the ground water, without the written permission of the Canal Officer (GW).

27. *Protection measures for public drinking water source and existing ground water structures in non-scheduled areas.*— (1) Notwithstanding anything contained in any law for the time being in force and having regard to the interest of the general public to have the supply of requisite quantity of water for drinking purposes from the drinking water source, to protect the existing ground water structures used for drinking and other essential purposes, no person shall sink any well for any purpose in the vicinity of the drinking water source within a distance of one hundred meters of such source or ground water structure. No person shall extract for the purpose of transporting water from a well if another well or ground water source is located within a limit of one hundred meters.

(2) Notwithstanding anything contained in sub-section (1), if any person desires to sink a well for any purpose, within a distance of one hundred meters of a drinking water source or existing ground water structure, he may do so only with the prior permission of the Canal Officer (GW).

(3) Notwithstanding anything contained in sub-section (1), if a person desires to transport ground water from a well if another well is located within a distance of one hundred meters of a drinking water source or ground water structure, he may do so only with the prior permission of the Canal Officer (GW).

(4) An application made for the permission under sub-section (2) or (3) shall be made to the Canal Officer in such form and accompanied by such fees as may be prescribed.

(5) The Canal Officer (GW), after receipt of the application under sub-section (2) or (3) may, on the advice of the ground water cell, for the reasons to be recorded in writing, grant permission for sinking a well for any purpose or transportation of ground water from a well if he is satisfied that

such sinking/transportation of ground water from the well shall not adversely affect the drinking water source or refuse permission applied for if granting of such permission shall adversely affect such source:

Provided that if the Canal Officer (GW) fails to inform the applicant within one hundred and twenty days from the date of receipt of the application, the permission applied for shall be deemed to have been granted, but such deemed permission shall always be subject to any conditions prescribed under the rules.

(6) Every permission granted under this section shall be subject to—

(a) the condition that if the Canal Officer (GW) may, for reasons to be recorded in writing, by order, prohibit, restrict or regulate from time to time the extraction of water from such well if in his opinion it is necessary to do so in the public interest;

(b) such conditions and restrictions as may be prescribed.

28. *Offences under this Act to be cognisable.*—

(1) Any offence punishable under this Act shall be cognisable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(2) No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing by the Canal Officer (GW) or an Officer generally or specially authorised by the Government in this behalf.

29. *Provisions of this Act to have effect.*— The provisions of this Act and the orders issued or made under this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

30. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the form of application under sub-section (1) of section 4;

(b) the form of application under sub-section (3) of section 7 and sub-section (2) of section 10;

(c) the manner in which the specimens of soils or other materials shall be kept and preserved under clause (d) of sub-section (1) of section 16;

(d) conditions subject to which offences may be compounded under section 21;

(e) prescribing the authority to hear appeals under sub-section (1) of section 23 and the fees to accompany the application for appeal;

(f) any other matter which is to be or may be prescribed.

SCHEDULE I

- (1) Ferrous metallurgical industry.
- (2) Non-ferrous metallurgical industry.
- (3) Mining industry.
- (4) Ore processing industry.
- (5) Petroleum industry.
- (6) Petro-chemical industry.
- (7) Chemical industry.
- (8) Ceramic industry.
- (9) Cement industry.
- (10) Textile industry (including cotton synthetic and semi-synthetic fibres manufactured from these fibres).
- (11) Paper industry.
- (12) Fertilizer industry.
- (13) Coal (including coke) industry.
- (14) Power (Thermal, Diesel and Hydel) generating industry.
- (15) Processing of animal or vegetable products industry (including processing of milk, meat, hides and skins, all agricultural products and their waste).
- (16) Engineering industry.

SCHEDULE A

Sr No.	Name of village/town/city	Taluka
1.	Terekhol	Pernem
2.	Keri	Pernem
3.	Harmal	Pernem
4.	Mandrem	Pernem
5.	Morjim	Pernem
6.	Chapora	Pernem
7.	Anjuna	Bardez

Sr No.	Name of village/town/city	Taluka
8.	Baga	Bardez
9.	Calangute	Bardez
10.	Candolim	Bardez
11.	Sinquerim	Bardez
12.	Aguada	Bardez
13.	Nerul	Bardez
14.	Reis Magos	Bardez
15.	Panaji	Tiswadi
16.	Dona Paula	Tiswadi
17.	Odxel	Tiswadi
18.	Kankara	Tiswadi
19.	Navsi	Tiswadi
20.	Bambolim	Tiswadi
21.	Siridona	Tiswadi
22.	Goa Velha	Tiswadi
23.	Agasaim	Tiswadi
24.	Vasco	Mormugao
25.	Bimbade	Mormugao
26.	Bogmalo	Mormugao
27.	Igorsi	Mormugao
28.	Pali	Mormugao
29.	Velsao	Mormugao
30.	Cansaulim	Salcete
31.	Arosim	Salcete
32.	Utorda	Salcete
33.	Majorda	Salcete
34.	Betalbatim	Salcete
35.	Gandavalim	Salcete
36.	Colva	Salcete
37.	Benaulim	Salcete
38.	Varca	Salcete
39.	Fatrade	Salcete
40.	Karmane	Salcete
41.	Kavellosim	Salcete
42.	Mobor	Salcete
43.	Babsora	Salcete
44.	Betul	Salcete
45.	Kanagini	Salcete
46.	Khola	Canacona
47.	Parven	Canacona
48.	Agonda	Canacona
49.	Palolem	Canacona
50.	Kolomb	Canacona
51.	Patnem	Canacona
52.	Piplibag	Canacona
53.	Talpona	Canacona
54.	Kalsar	Canacona
55.	Galgibag	Canacona
56.	Mashem	Canacona
57.	Mayam	Canacona
58.	Polem	Canacona

SCHEDULE B

All Industrial Estates and Industrial Zones notified by the Government of Goa in the Official Gazette notified as restricted area for groundwater development.

SCHEDULE C

All the areas affected by mining leases.

Statement of Objects and Reasons

Concentrated development of ground water for industrial purposes is affecting the streams by effluent seepages and thereby affecting the traditional age old irrigation systems. Also, commercial exploitation and transportation of the ground water is affecting the public and private drinking water sources in the vicinity. It is, therefore, required to protect ground water resources against contamination and pollution and ensure optimum and sustainable development of ground water resources.

This Bill seeks to achieve the above objects.

Panaji-Goa.

RAMAKANT KHALAP

18 January, 2001.

Minister for Water Resources

Financial Memorandum

For implementing the Ground Water Legislation and related essential ground water disciplines (monitoring of ground water levels, chemical quality, pollution, watershedwise/basinwise ground water assessment, sustainable development and management) there is a need for setting up of ground water cell headed by the Chief Engineer, Water Resources Department and with the services of the existing Hydrogeologist and one Assistant Geologist and carving out technical personnel from the existing infrastructure.

It is proposed to meet the entire needs of the Ground Water cell from the existing staff of the Water Resources Department by administrative re-organisation of the Department. Chemical analysis of water samples shall be got done through existing chemical/public health laboratories of State Pollution Control Board/ Health Department/PWD.

As such, there may not be any additional financial implications.

Memorandum Regarding Delegated
Legislation

Clause 1 (3) of the Bill empowers the Government to appoint a date by way of notification for bringing into force of the Act.

Clause 2 (b) of the Bill empowers the Government to authorise/appoint Canal Officer (GW).

Clause 7 of the Bill empowers the Canal Officer (GW) to declare water scarcity area for a certain period on advice of ground water cell.

Clause 9 of the Bill empowers the Canal Officer (GW) to declare a watershed as an over-exploited watershed on advice of ground water cell.

Clause 25 of the Bill empowers the Government to charge and prescribe fees for any permission to be granted under this Act.

Clause 30 of the Bill enables the Government to frame rules to carry out the purposes of the Act.

Assembly Hall,
Porvorim, Goa.
18 January, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)